IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.453/2006

Abdul Salim S/o Jumma Bhai & Another
...defendant-appellants
Versus
Smt. Prakash Kaur W/o Shri Sharvan Singh
...plaintiff-respondent

Date of Order ::: 21.12.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Ravi Kasliwal, Counsel for the appellants
Shri R.K. Agarwal, Counsel for the respondent
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By the Court:-

Heard learned counsel for both the parties.

Both the parties have filed a joint application under Order 23 Rule 3 read with Section 151 of the CPC for recording compromise arrived at between the parties and to dispose of the appeal in terms of the compromise.

The compromise, duly signed by the parties along with their respective counsel, has been attested by the Registrar (Administration) of this Court.

The plaintiff-respondent filed a suit for eviction in respect of the rented property against the defendants-appellants on the ground of personal bona-fide necessity, which was dismissed by the trial

court. However, on an appeal filed by the plaintiff-respondent, the suit for eviction was decreed on the ground of personal bona-fide necessity. Hence,this appeal has been preferred on behalf of the defendants-appellants.

In the aforesaid compromise entered in between both the parties, the plaintiff-respondent has agreed to give a portion of the disputed property, shown in yellow colour in the map annexed with the compromise (measuring 14 feet in width and about 32 feet in depth, along-with veranda in front of it) at the rate of Rs.3000/- per month, to commence with effect from 1st of February, 2007, with increase of rent as per the Rent control Act, 2001, every year, and subject to other conditions as mentioned in the compromise itself. The application/compromise will form part of this order.

The application under Order 23 Rule 3 read with Section 151 of the CPC for recording compromise, is allowed.

Consequently, the second appeal is partly allowed. The judgment and decree passed by the first appellate court is modified in terms of the compromise arrived at between both the parties, as referred above. A copy of the compromise with the annexed map thereto, will form part of this order.

There shall be no order as to costs.

(Narendra Kumar Jain) J.

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